

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
NO. 5:20-cv-116 _____

ANNA SAWYER,

Plaintiff,

v.

WAL-MART STORES EAST, LP and JOHN
DOE,

Defendants.

NOTICE OF REMOVAL

TO: The United States District Court
For the Western District of North Carolina
Statesville Division

Defendant Wal-Mart Stores East, LP ("Defendant"), through its undersigned counsel, does hereby exercise its right under the provisions of Title 28 U.S.C. § 1441 et seq., to remove this action from the General Court of Justice, Superior Court Division, Ashe County, North Carolina, in which this cause is now pending as Case No. 20 CVS 203. Defendant shows unto the Court as follows:

1. This is an action of a civil nature in which the District Courts of the United States have been given original jurisdiction pursuant to Title 28 U.S.C. § 1332 in that complete diversity of citizenship existed at the time of the filing of this action and still exists as between the plaintiff on the one hand and the defendant on the other, and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

2. Under the provisions of 28 U.S.C. § 1441 et seq., the right exists to remove this cause from the General Court of Justice, Superior Court Division, Ashe County, North Carolina, to the

United States District Court for the Western District of North Carolina, which is the District where this action is pending.

3. In her Complaint, plaintiff asserts claims against Defendant sounding in negligence, and breach of express and implied warranties, and seeks to recover compensatory damages allegedly arising out of defendants' conduct.

4. Upon information and belief, plaintiff is now, and was at the commencement of this action, a citizen and resident of Ashe County, North Carolina.

5. Defendant Wal-Mart Stores East, LP is now, and was at the commencement of this litigation, a corporation organized under and by virtue of the laws of the state of Delaware, with its principal place of business in Bentonville, Arkansas.

6. The date on or before which Defendant is required by the Rules of Civil Procedure of the State of North Carolina to answer or otherwise plead to plaintiff's Complaint has not lapsed.

7. In accordance with the requirements of Title 28 U.S.C. § 1446, Defendant is filing herewith a copy of all process, pleadings, and orders served upon it in this action (attached as Exhibit A), and this Notice of Removal is being filed within thirty (30) days after the receipt by the Defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which the action is based.

9. Service of this Notice of Removal is being made upon on all parties as required by law.

WHEREFORE, defendant Wal-Mart Stores East, LP prays that this action be removed to this Court for further proceedings, as though this action had originally been instituted in this Court.

This the 7th day of August, 2020.

YOUNG MOORE AND HENDERSON P.A.

BY: /s/ Brian O. Beverly
BRIAN O. BEVERLY
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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he served the foregoing document upon the attorneys shown below by email and by depositing a copy of same in the United States mail, postage prepaid, addressed to said attorneys.

This the 7th day of August, 2020.

YOUNG MOORE AND HENDERSON P.A.

BY: /s/ Brian O. Beverly
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